

Message Text

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ACTION PM-03

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FM AMEMBASSY WELLINGTON
TO SECSTATE WASHDC 9202
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C O N F I D E N T I A L WELLINGTON 0377

EO 11652: GDS
TAGS: MARR, TSPA, NZ
SUBJECT: CIVILIAN OPERATION OF BAKER-NUNN STATION

REF A. STATE 264607 B) WELLINGTON 3773 C) STATE 027786

1. EMBOFF DISCUSSED CIVILIAN OPERATION OF MT JOHN
BAKER-NUNN STATION WITH DAN RICHARDS (HEAD, MFA DEFENSE
DIVISION) AND ALLAN DOYLE (ASSISTANT HEAD, MFA LEGAL
DIVISION) FEB 12. MAIN POINTS OF GNZ POSITION FOLLOW:

2. JURISDICTION-GNZ INSISTS ON CRIMINAL JURISDICTION
OVER CONTRACTOR PERSONNEL.

3. CLAIMS-CONTRACTOR WILL BE LIABLE FOR ANY CLAIMS.

4. TAXES AND CUSTOMS-GNZ POSITION IS THAT CONTRACTOR
AND CONTRACTOR PERSONNEL ARE NO DIFFERENT THAN PRIVATE
COMPANY OR INDIVIDUALS OPERATING OR WORKING IN NEW ZEALAND
AND ARE, THEREFORE, SUBJECT TO NEW ZEALAND TAXES, CUSTOMS,
DUTIES, ETC. GNZ READS PARA. 7 OR MOU AS APPLYING ONLY TO
UNIFORMED MEMBERS OF ARMED FORCES AND DIRECT HIRE PERSONNEL,
AND IS UNWILLING EXTEND DEFINITION ALONG LINES
OUTLINED PARA. 3 REFTEL C. DOYLE'S OPINION WAS THAT
ONLY GOODS THAT WOULD BE ALLOWED ENTER NEW ZEALAND DUTY

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FREE WOULD BE THOSE DESTINED FOR MAINTENANCE, REPAIR

OR UPGRADING OF TRACKING STATION ON BASIS THAT STATION
WILL REMAIN USG FACILITY. CUSTOM REGULATIONS WOULD
REQUIRE CONTRACTOR PERSONNEL PAY DUTY ON HOUSEHOLD
EFFECTS AND AUTOMOBILES UNLESS A) PERSONNEL ARE COMING
TO NEW ZEALAND FOR PERMANENT RESIDENCE OR B) PERSONNEL STAY IN
NEW ZEALAND IS LESS THAN 12 MONTHS. IN LATTER CASE
DEPOSIT EQUAL TO AMOUNT OF CUSTOMS DUTY IS REQUIRED.
IF INDIVIDUAL LEAVES DURING SECOND YEAR PRO RATA
REBATE OF DEPOSIT CAN BE OBTAINED.

5. COMMENT- WHILE EMBASSY IS WILLING ATTEMPT TO CHANGE
GNZ POSITION WITH REGARD TO TAXES AND CUSTOMS DUTIES, WE
BELIEVE THERE IS LITTLE LIKELIHOOD USG VIEWS OUTLINED
PARA. 3, REFTEL C, WILL BE ACCEPTED. ANY EFFORT TO
FORCE ISSUE LIKELY TO BE FRUSTRATING AND TIME CONSUMING
AS WAS CASE WITH MT. JOHN LEASE. ALSO,
RATHER THAN ATTEMPTING TO AMEND MOU EMBASSY BELIEVES
LESS FORMAL EXCHANGE OF LETTERS BETWEEN AMBASSADOR AND
SECRETARY OF FOREIGN AFFAIRS IS PREFERABLE. EXCHANGE OF
LETTERS HAS ADVANTAGE OF LEAVING MOU INTACT--A MAJOR
ADVANTAGE SHOULD USAF DECIDE TO REVERT BACK TO MANNING
BY UNIFORMED PERSONNEL.

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